



City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

AUGUST 17, 2004

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address.

8:30 A.M.ROLL CALL

Invocation by Pastor Kevin Smith of the St. Luke Methodist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "NEIGHBORS IN HEALTH DAY" – Mayor Autry and All Councilmembers

SPCA Pet of the Month – Council President Castillo

Resolution of Commendation to John Work of the Fresno Fire Department – Mayor Autry and All Councilmembers Office

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of July 27, 2004

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.)

- A. * Approve a Consulting Services Agreement with CSHQA for the design of terminal facility improvements at Fresno Yosemite International Airport (FYI) – Airports Dept.

Action Taken:

- B. * Approve a Professional Services Agreement with BSK Associates, Inc., for owner's quality assurance and acceptance testing for the Fresno Yosemite International Airport (FYI), Air Cargo Park, Airside Development, Runway 29R and Taxiway A projects – Airports Dept.

Action Taken:

- C. * Award a \$250,000 sole source contract to NABCO LLC for a total containment vehicle for the Police Dept.

1. * **RESOLUTION** - Authorizing the Purchasing Manager to negotiate and enter into a contract for the purchase of a total containment vessel from NABCO LLC without advertised competitive bidding

Action Taken:

2. * **RESOLUTION** - 8th amendment to the AAR No. 2004- 209 appropriating \$250,000 for the purchase of a total containment vessel from NABCO LLC (**Requires 5 affirmative votes**)

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- D. * **RESOLUTION** – Authorizing the acceptance of grant funds from the State of California Governor's Office of Emergency Services – Police Dept.
Action Taken:
1. * **RESOLUTION** – 6th amendment to AAR No. 2004-209 appropriating \$526,200 for the Fresno Police Department's Urban Area Security Initiative (UASI) Program ***(Requires 5 affirmative vote)***
Action Taken:
2. * **RESOLUTION** – 4th amendment to PAR No. 2004-210 for Fiscal Year 2005 adding one (1) Police Officer position for the Fresno Police Department's Urban Area Security Initiative (UASI) Program
Action Taken:
- E. Approve renewal of Fresno County Interagency Council Agreement – PR&CS
Action Taken:
- F. * Authorize the Chief of Police to enter into a service contract with Turbomeca, USA – Police Dept.
Action Taken:
- G. * Award a \$236,199 sole source contract to Taser International, Inc. for 200 X26 tasers for the Police Dept.
1. **RESOLUTION** – Authorizing the Purchasing Manager to negotiate and enter into an agreement for the purchase of 200 X26 tasers from Taser international, Inc. without advertised competitive bidding
Action Taken:
- H. * Authorize the Public Works Director to execute a contract with Golden Acquisition Corporation, dba EFS, west of Van Nuys, CA, to design, build and maintain a compressed natural gas fueling facility – General Services Dept./Public Works Dept.
Action Taken:
- I. Approve the acquisition of street easements from 311 and 349 E. North Avenue for the North Avenue Street widening project between Freeway Routes 41 and 99 – Public Works Dept.
Action Taken:
- J. * **RESOLUTION** – 416th amendment to MFS Resolution No. 80-420 to add a Regional Transit Pass Fare "Metro Pass" for service provided by Fresno Area Express (FAX) and Clovis Transit – Fresno Area Express
Action Taken:
- K. * **RESOLUTION** – 420th amendment to MFS Resolution No. 80-420 to add a one-way fare from the downtown area to the Tower District for the "Tower Express Trolley" service provided by Fresno Area Express (FAX) – Fresno Area Express
Action Taken:
- L. **RESOLUTION** – Authorizing the acceptance of grant funds from the U.S. Dept. of Justice, Bureau of Justice Assistance – Police Dept.
Action Taken:
1. * **RESOLUTION** – 7th amendment to AAR No. 2004-209 appropriating \$13,400 for the Bulletproof Vest Partnership Program ***(Requires 5 affirmative votes)***
Action Taken:
- M. Designating a City voting delegate for League of California Cities annual business meeting on September 19, 2004 – City Manager's Office
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- N. * **RESOLUTION** – 4th amendment to Salary Resolution No. 2004-213 adding the classification of Retirement Benefits Manager and Retirement Counselor I/II – Personnel Department
Action Taken:
- O. * Authorize renewal of Senior Citizens Hot Meals Site Management Contract with Fresno-Madera Area Agency on Aging - PR&CS
Action Taken:
- P. * Award a contract to American Paving Co. of Fresno, Ca for Fresno and Shaw intersection modification - General Services Dept./Public Works Dept.
Action Taken:
- Q. **RESOLUTION** - Of intention to annex Final Tract No. 5136 to the City of Fresno Community Facilities District No. 2, Annexation No. 76 and authorize the levy of special taxes – Public Works Dept.
Action Taken:
- R. **RESOLUTION** - Of intention to annex Final Tract No. 5262 to the City of Fresno Community Facilities District No. 2, Annexation No. 75 and authorize the levy of special taxes – Public Works Dept.
Action Taken:
- S. * **RESOLUTION** - 9th amendment to the AAR No. 2004-209 appropriating \$4,600,000 for the downtown parking, Santa Fe Depot, and the motor vehicle licensing fee capital projects **(Requires 5 affirmative votes)** – Public Works Dept.
Action Taken:
- T. * **RESOLUTION** - Applying to the Local Agency Formation (LAFCO) in the matter of an amendment to include the “Southeast Growth Area” within the City of Fresno’s Sphere of Influence as identified in the 2025 General Plan - Planning and Development Dept.
Action Taken:
- U. **RESOLUTION** – Approving the Final Map of Tract No. 5260 and accepting dedicated public uses therein; authorize Public Works Director, Public Utilities Director, and Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- V. * **RESOLUTION** – 5th amendment to Salary Resolution No. 2004-213 adding the classifications of Building Inspector I, II and III – Planning and Development Dept.
Action Taken:
- W. * **RESOLUTION** – 5th amendment to PAR No. 2004-210 for fiscal year 2005 reallocating one (1) Network Systems Specialist position from the Department of Public Works to the Information Services Department – Information Services Dept.
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. Consider confirming the termination of the existing exclusive negotiating agreement and entering into a developer agreement with Running Horse, LLC. – Planning and Development Dept.
Action Taken:

3(A) **CLOSED SESSION**

- A. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6
City Negotiator(s) Jon Ruiz, Adela Gonzalez, Kathleen Eckerson, Bob LaSala
Employee Organizations:
1. Fresno Police Officers' Association (FPOA Management Unit 9)
 2. International Union of Operating Engineers, Stationary Engineers Local 39
- Action Taken:**
- B. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. Mauldin-Dorfmeier Construction, Inc., et al.
Action Taken:

3(B) **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

4. **CITY COUNCIL**

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:25 A.M.

PUBLIC COMMENT PERIOD – No Council action except to place on future agenda.
Presentation limited to three (3) minutes:

- A. **SCHEDULED PUBLIC COMMENT** –
1. Appearance by Harley Turner to discuss the Fresno Municipal Code
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:30 A.M. **RESOLUTION** - In support of Americans for National Parks – Acting President Perea
Action Taken:

9:40 AM #1 **RESOLUTION** – In support of the enactment of S.349 and H.R. 594 to eliminate the Government Pension offset provision and the windfall elimination provision from the Social Security Act – Councilmember Dages
Action Taken:

9:40 AM #2 **RESOLUTION** – Expressing support of HR Bill No. 3729 extending a belated thank you to the Merchant Marines from World War II in conjunction with the House of Representatives Bill No. 3729 – Councilmember Dages **(Continue to 8/24/2004 at 9:50 a.m.)**
Action Taken:

10:00 A.M. **HEARING** to consider Rezoning Application No. R-04-024, and environmental findings, filed by Southern California Presbyterian Homes, pertaining to a 3.72-acre parcel of land located on the southwest corner of N. Marty and W. San Jose Avenues, north of W. Shaw Avenue – Planning and Development Dept. **(Property located in District 2) (Continue to August 31, 2004 @ 10:10 A.M. per Applicant's request)**
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:15 A.M.** **HEARING** to consider Rezone Application No. R-04-20, and environmental findings, filed by Logan and Associates on behalf of Spalding Wathen, pertaining to a 28.01-acre parcel of land located generally on the southwest corner of W. Ashlan Avenue and Parkway Drive ***(Property located in District 1) (To be re-notice for a future date)***
Action Taken:
- 10:20 A.M.** **HEARING** to consider Rezone Application No. R-03-78, and environmental findings, filed by Synergy Golden Dawn, LLC, pertaining to 20 acres of land located on the southeast corner of E. Kings Canyon Road and S. Armstrong Avenue ***(Property located in District 5)*** – Planning and Development Dept.
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-03-78/T-5196, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
 Action Taken:
- b. **BILL** - Amending the Official Zone Map to rezone the subject property **from** the AE-20/UGM *(Exclusive Twenty Acre Agricultural/Urban Growth Management)* zone district **to** the R-1/UGM *(Single Family Residential/Urban Growth Management)* zone district
 Action Taken:
- 10:30 A.M.** Update UGM Fee Program - Public Works Dept.
1. **CONTINUED HEARING** to amend MFS Resolution No. 80-420 increasing the UGM traffic signal impact fee in the UGM area and establishing a traffic signal impact fee in non-UGM areas
 Action Taken:
- a. * **RESOLUTION** – 418th amendment to MFS Resolution No. 80-420 increasing the traffic signal impact fee in the UGM area and to establish a traffic signal impact fee in the non-UGM areas
 Action Taken:
- 2:00 P.M.** **CONTESTED CONSENT ITEMS**
- 3:30 P.M.** **WATER RIGHTS WORKSHOP** and joint water rights application by the City of Fresno, City of Clovis, Fresno Irrigation District and the Fresno Metropolitan Flood Control District – Dept. of Public Utilities
Action Taken:
- 4:30 P.M.** **CONTINUED HEARING** to consider Fresno City Planning Commission decision regarding Conditional Use Permit Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises ***(Property located in District 2) (Continue to October 5, 2004 @ 4:30 p.m.)***
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

Aug.	24 -	9:50 A.M.	RESOLUTION – Expressing support of HR Bill No. 3729 extending a belated thank you to the Merchant Marines from World War II in conjunction with the House of Representatives Bill No. 3729 – Councilmember Dages
Aug.	24 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 71, Final Tract Map No. 5220
Aug.	24 -	10:05 A.M.	HEARING re: R-04-033, Vesting Tentative Tract Map No. 5321/UGM, filed by Kiyoko Uyeno, 1999 Trust and Pleasant Valley Investments, LC.
Aug.	24 -	10:15 A.M.	Nominations to the Local Register of Historic Resources
Aug.	24 -	3:30 P.M.	WORKSHOP re: Request For Proposals (RFP's) – General Services Dept.
Aug.	24 -		Direction re: Community Facilities District modifications
Aug.	31 -	10:00 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 73, Tract No. 5137
Aug.	31 -	10:05 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 74, Tract No. 5233
Aug.	31 -	10:10 A.M.	CONTINUED HEARING re: to consider Rezoning Application No. R-04-024, filed by the Southern Baptist Presbyterian Homes – Planning and Development Dept.
Aug.	31 -	10:15 A.M.	CONTINUED HEARING re: to consider Plan Amendment No. A-03-19 Rezoning Application No. R-03-80, viled by Logan and Associates
Aug.	31 -	11:15 A.M.	Approve Easton Plaza Master Plan and Phase One construction project and amend and revise related Civic Center and general plan documents – PR&CS (Timed for citizen convenience)
Aug.	31 -	2:30 P.M.	WORKSHOP and Council direction to staff relating to Urban forest – PR&CS Dept.
Sept.	7 -		NO MEETING – COUNCIL VACATION
Sept.	14 -		NO MEETING – COUNCIL VACATION
Sept.	21 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 75, Final Tract Map No. 5262
Sept.	21 -	10:05 A.M.	HEARING re: CFD No. 2, Annexation No. 76, Final Tract Map No. 5136
Sept.	21 -	3:30 P.M.	WORKSHOP re: ADA Advisory Council – Public Works Dept. (1 hour)
Sept.	21 -	4:30 P.M.	WORKSHOP re: Cal Trans/City partnership – Public Works Dept. and Planning and Development
Sept.	28 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 77, Final Tract Map No. 5370
Sept.	28 -	4:00 P.M. – 9:00 P.M.	Trimester Plan Amendments – Planning and Development Dept.
Oct.	5 -	3:00 P.M.	CONTINUED HEARING to consider Rezone Application No. R-04-20, and environmental findings, filed by Logan and Associates on behalf of Spalding Wathen
Oct.	5 -	4:30 P.M.	CONTINUED HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises